



Article 2. Standards for Small Quantity Handlers of Universal Waste

§66273.10. Applicability.

This article applies to small quantity handlers of universal waste (as defined in section 66273.9) except as provided for households and for conditionally exempt small quantity universal waste generators in section 66273.8.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.10.

HISTORY

1. New article 2 (sections 66273.10-66273.20) and section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New article 2 (sections 66273.10-66273.20) and section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New article 2 (sections 66273.10-66273.20) and section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New article 2 (sections 66273.10-66273.20) and section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New article 2 (sections 66273.10-66273.20) and section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New article 2 (sections 66273.10-66273.20) and section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.11. Prohibitions.

A small quantity handler of universal waste is:

- (a) Prohibited from disposing of universal waste; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 66273.17; or by managing specific wastes as provided in section 66273.13.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.11.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.12. Notification.

A small quantity handler of universal waste is not required to notify the Department or the U.S. EPA of universal waste handling activities except as specified in section 66273.13(d) for small quantity universal waste electronic device handlers.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and

Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.12.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of section and Note filed 6—7—2004 as an emergency; operative 6—7—2004 (Register 2004, No.24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6—7—2006 or emergency language will be repealed by operation of law on the following day.

§66273.13. Waste Management.

(a) Universal Waste Batteries. A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, shall determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in article 3 of chapter 11.

(A) If the electrolyte and/or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of this division. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to chapter 12.

(B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal Waste Thermostats. A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may remove mercury- containing ampules from universal waste thermostats provided the handler:

- (A) Removes the ampules in a manner designed to prevent breakage of the ampules;
- (B) Removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of section 66262.34;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of section 66262.34;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA and CalOSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, non-leaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(3)(A) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or

2. Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it is subject to chapter 12.

(C) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal Waste Lamps. A small quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

(3) A small quantity handler of universal waste may remove universal waste lamps from a product or structure, provided the handler removes the lamps in a manner designed to prevent breakage.

(d) Universal Waste Electronic Devices. A small quantity handler of universal waste shall manage universal waste electronic devices in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Containment:

(A) A small quantity handler of universal waste shall handle any universal waste electronic devices in a manner that minimizes breakage. If containers are used, such containers shall prevent leakage, spillage or damage that could reasonably be foreseen. Whole universal waste electronic devices that are managed in a manner (e.g., stored in a room) that prevents breakage of the device and release of hazardous components of the device (e.g., on a pallet) shall be considered to comply with this requirement.

(B) A small quantity handler of universal waste shall immediately clean up and place in a container any universal waste electronic device that is broken and may reasonably be expected to cause a release of hazardous constituents to the environment. Containers shall be structurally sound, compatible with the contents of the universal waste electronic devices and shall prevent releases of hazardous components to the environment under reasonably foreseeable conditions.

(2) Notification and Reporting Requirements:

(A) Notification: Any person who intends to handle any universal waste electronic devices from an offsite source after August 6, 2004 shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified below no later than 30 days prior to accepting any universal waste electronic devices. Small quantity handlers currently handling universal waste electronic devices from offsite sources shall submit this notification prior to July 7, 2004.

1. Name of handler;

2. Telephone number of handler;

3. Type of handler for purposes of Public Resources Code, division 30, part 3, chapter 8.5 (i.e., collector, recycler, or dual entity);

4. Mailing address of handler, and physical address, including county, if different from the mailing address;

5. Name of the contact person;

6. Telephone number of the contact person;

7. An e-mail address for the contact person or organization, if available;

8. The types of universal waste electronic devices expected to be handled;

9. The sources of universal waste electronic devices (i.e., residential collections, business asset recovery, other collectors, etc.).

(B) Annual Report. A small quantity handler of universal waste electronic devices that accepts more than 100 kilograms or 220 pounds of universal waste electronic devices from any offsite source shall, by February 1 of each calendar year, commencing February 1, 2005, submit a written or electronic report containing the information specified below to the Department. The information submitted under this subsection shall cover universal waste electronic device handling activities during the previous calendar year.

1. Name of handler;
2. Telephone number of handler;
3. Mailing address of handler, and physical address, including county, if different from the mailing address;
4. Name of the contact person;
5. Telephone number of the contact person;
6. An e-mail address for the contact person or organization, if available;
7. The types of universal waste electronic devices handled;
8. The total quantity of universal waste electronic devices (count or weight) handled during the previous calendar year;
9. A list including the names, addresses, and phone numbers of each location that the small quantity handler shipped universal waste electronic devices to during the previous year and the total quantity of universal waste electronic devices (count or weight) shipped to each location.

(C) Electronic notifications and reports submitted under subsection (A) and (B) shall be submitted to www.dtsc.ca.gov.

(D) Written notifications and reports submitted under subsection (A) and (B) shall be submitted to the Department by certified mail, return receipt requested to: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: UWED Handling Activities" prominently displayed on the front of the envelope.

(3) Small Quantity Handler Standards: A small quantity handler of universal waste electronic devices may treat or recycle the universal waste electronic devices (i.e., may conduct hazardous waste treatment) provided the handler complies with the applicable standards below:

(A) Notwithstanding subsections (B), (C), and (D) below, a small quantity handler of universal waste electronic devices may remove from the universal waste electronic devices any discrete assemblies which are typically removed during the normal operation of the universal waste electronic device, such as the removal and replacement of batteries or ink cartridges, provided the small quantity universal waste handler conducts the disassembly in the manner prescribed in the operating manual for the universal waste electronic device or that would otherwise be performed during the normal use of the universal waste electronic device.

(B) A small quantity handler of universal waste who recycles universal waste electronic devices by reclaiming components (e.g., circuit boards, integrated circuits, metals, plastic, wiring, batteries, lamps, etc.) from universal waste electronic devices through manual disassembly, dismantling, or otherwise manually segregating components from those devices for the purposes of directly reusing those components onsite without further processing, or sending those components offsite for direct reuse or further reclamation at another location shall comply with subsections (F)(1) through (F)(5) below.

(C) A small quantity handler of universal waste who recycles universal waste electronic devices (and their components) through the utilization of treatment processes other than manual disassembly for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location, and whose recycling or treatment activities produces only hazardous residuals (including finely divided materials) that meet the definition of scrap metal in 66260.10, or which are otherwise exempt from full regulation as hazardous waste, shall comply with subsections (F)(1) through (F)(6) below.

(D) A small quantity handler of universal waste who recycles universal waste electronic devices (and their components) through the utilization of treatment processes other than manual disassembly for the purposes of directly reusing components onsite without further processing, sending components offsite for direct reuse, or sending components or treatment residuals offsite for further reclamation at another location, and whose recycling or treatment processes produce any residuals (including baghouse and filter dusts) which exhibit any hazardous waste characteristic defined in chapter 11 and do not meet the definition of scrap metal in section 66260.10 (e.g., because they are fine powders or are contaminated with fine powders), or do not qualify for management as universal waste under this chapter shall comply with subsections (F)(1) through (F)(7) below.

(E) A small quantity handler of universal waste electronic devices who conducts treatment or recycling activities as described in subsections (A) through (D) above shall not be deemed to be operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

(F) A small quantity handler of universal waste electronic devices who conducts treatment or recycling activities as described in subsections (B) through (D) shall comply with the following waste management standards, as applicable:

1. Treatment/Recycling Notification and Reporting:

a. Any person who intends to conduct treatment activities as described in subsections (B), (C), or (D) above after August 6, 2004 shall submit to the Department, by certified mail, with return receipt requested, a notification containing the information specified below no later than 30 days prior to treating or recycling any universal waste electronic devices. Small quantity handlers currently treating or recycling universal waste electronic devices shall

submit this notification prior to July 7, 2004.

1. The small quantity universal waste electronic device handler's name and mailing address;
2. The name and business telephone number of the person at the small quantity universal waste electronic device handler's site who should be contacted regarding universal waste management activities;
3. The name, mailing address and telephone number of the owner of the facility;
4. A description of the type of universal waste electronic devices that will be treated;
5. A description of the treatment processes to be used;
6. Documentation that the facility operator has notified the facility property owner (if different from the operator of the facility) that the operator is conducting universal waste electronic device treatment or recycling operations at the facility.

b. A small quantity handler of universal waste electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall prepare and submit an annual report to the Department. The annual report shall be delivered by certified mail, return receipt requested, to the Department by February 1 of each calendar year. The report shall be dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for the previous calendar year:

1. The name, address, physical location and a description of the facility;
2. The mailing address of the business entity that owns and operates the facility;
3. The name, title and telephone number of the person at the facility who should be contacted regarding universal waste management activities at the facility;
4. The facility EPA Identification number, if required;
5. The number of days each facility operated;
6. The total quantity (count or weight) universal waste electronic devices (with their respective types or categories) treated or recycled by the handler during the previous year;
7. The treatment or recycling method used for each universal waste electronic device treated by the facility;
8. The final destination of universal waste electronic devices recycled.

2. Containment of Residuals: A small quantity handler of universal waste electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall manage all materials produced from the treatment of universal waste electronic devices in a manner that prevents a release of any universal waste electronic devices or any components thereof, as follows:

a. A small quantity handler of universal waste electronic devices shall conduct activities over or in a containment device (e.g., a tray, a box, a workbench, a table, or an enclosed machine) sufficient in size and construction to contain any materials that may be released.

b. A small quantity handler of universal waste electronic devices shall contain any residuals produced from universal waste electronic devices in a manner that prevents releases of hazardous residuals to the environment under reasonably foreseeable conditions.

c. A small quantity handler of universal waste shall immediately clean up and place in a container any universal waste electronic device that is broken and may reasonably be expected to cause a release. Such containers shall be structurally sound, compatible with the contents of the universal waste electronic devices and shall prevent releases under reasonably foreseeable conditions.

3. Worker Safety:

a. A small quantity handler of universal waste electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall be thoroughly familiar with the associated hazards and have access to the proper procedures and protective equipment necessary to safely conduct the treatment and to comply with the requirements of this section;

b. A small quantity handler of universal waste electronic devices who conducts treatment activities shall ensure that the facility is operated in compliance with all applicable worker health and safety laws and regulations (i.e., California Code of Regulations, title 8).

4. Zoning: A small quantity handler of universal waste electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall ensure that the activities conducted at the facility are consistent with local zoning and land use requirements for that location.

5. Management of Residuals: A small quantity handler of universal waste electronic devices who conducts treatment activities as described in subsections (B), (C), or (D) above shall ensure that all materials produced as a result of the treatment processes are properly classified and managed in accordance with any applicable requirements of this division.

6. Management Standards Applicable to Small Quantity Handlers Identified in Subsections (C) and (D): A small quantity handler of universal waste electronic devices who conducts treatment activities as described in subsections (C) and (D) above shall:

- a. Utilize only treatment methods that employ one or more of the following technologies:
 1. Physical processes that change only the physical properties of the waste such as cutting, sawing, breaking, shredding, crushing, grinding, screening, sieving, acceleration, or compacting; and/or
 2. Separation based on differences in physical properties such as size, color, density, or ferromagnetism.
 3. If processes such as cutting, sawing, shredding, crushing, grinding, crushing, acceleration, or compacting are utilized, the handler shall ensure all mercury containing lamps and other components which contain fluids (i.e., liquids or gasses) that would be identified as hazardous waste are removed prior to processing.
 4. A small quantity handler of universal waste electronic devices shall not process any universal waste electronic devices containing PCB ballasts, medical or biohazardous wastes, radioactive materials, reactive

materials, or ignitable materials.

b. Ensure the treatment is conducted without the use or application of:

1. Chemicals, including water;
2. External heat.

c. Ensure that all hazardous wastes generated from treatment activities that are sent offsite for disposal are manifested in accordance with the applicable requirements of article 2 of chapter 12.

d. Ensure that all treatment residuals meeting the definition of scrap metal in section 66260.10 are recycled.

e. Not accept for treatment, any universal waste electronic devices that are managed, or are required to be managed, as hazardous waste under chapters 10 through 22 of this division unless authorized to do so under hazardous waste management permit or other grant of authorization.

f. Comply with the requirements of sections 66265.18 and 66265.25 of chapter 15 as those requirements apply to facility location and design standards.

g. Ensure that all treatment is conducted in compliance with all applicable local and state air pollution control laws and regulations.

h. Conduct treatment only for the purposes of recycling one or more types of universal waste electronic devices.

i. Maintain on file the documents specified in subparagraphs (i)(1) and (i)(2) at the facility by no later than 30 days prior to recycling or treating any universal waste electronic devices. The handler shall make these documents available upon demand at the facility to any representative of the Department, the U. S. EPA or a local governmental agency having jurisdiction over the facility. A copy of these documents shall be delivered in person or by certified mail, return receipt requested, to the Department when requested in writing. The written request from the Department shall specify the documents that are required, where and how to submit those documents and the date by which those documents shall be submitted.

1. A copy of the most recent notifications and reports submitted as required by subsection (F)(1).

2. A copy of any local air district permit and other permits required for the facility.

j. No later than 30 days after ceasing treatment or recycling activities at the facility, a small quantity handler of universal waste electronic devices shall submit to the Department, by certified mail, with return receipt requested, a notification containing the following information:

1. The date of the last day on which the handler conducted treatment or recycling activities;

2. The date of the last day on which the handler conducted handling activities at the facility, if applicable;

and

3. The date the small quantity handler closed or vacated the facility, if applicable.

7. Treatment Standards Applicable to Small Quantity Handlers Identified in Subsection (D). A small quantity handler of universal waste electronic devices who conducts treatment activities other than manual disassembly or dismantling treatment as described in subsection (D) above shall:

a. No later than 30 days prior to initially recycling or treating any universal waste electronic devices, prepare and submit to the Department, by certified mail, with return receipt requested, an estimate of the cost of facility closure prepared pursuant to section 66265.142. The small quantity handler shall evaluate the estimate annually and adjust it to reflect changes in closing cost as appropriate.

b. No later than 30 days prior to initially recycling or treating any universal waste electronic devices, submit to the Department, by certified mail, with return receipt requested, documentation demonstrating financial assurance for closure pursuant to section 66265.143.

c. No later than 30 days prior to initially recycling or treating any universal waste electronic devices, submit to the Department, by certified mail, with return receipt requested documentation demonstrating financial responsibility for liability pursuant to section 66265.147.

(e) Universal Waste Mercury Switches and Thermometers. A small quantity handler of universal waste shall manage universal waste mercury switches and thermometers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste mercury switch or thermometer that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a sealed plastic bag in a container. The container shall be closed, structurally sound, compatible with the contents of the switch or thermometer, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage of universal waste mercury switches and thermometers during storage, handling, and transportation.

(2) A small quantity handler of universal waste shall accumulate universal waste thermometers in closed, non-leaking containers that are in good condition and shall pack thermometers with packing materials adequate to prevent breakage during storage, handling, and transportation.

(3)(A) A small quantity handler of universal waste may remove mercury-containing motor vehicle switches from motor vehicles, and may remove non-automotive mercury switches from products that contain them, provided the handler:

1. Removes mercury switches in a manner designed to prevent breakage;

2. Ensures that a mercury clean-up system is readily available;

3. Immediately transfers any mercury resulting from spills or leaks from broken mercury switches to an airtight container that meets the requirements of paragraph (1) of this subsection;

4. Ensures that employees removing mercury switches are thoroughly familiar with proper waste mercury

handling and emergency procedures, including transfer of spilled mercury to appropriate containers;

5. Accumulates removed mercury switches in closed, non-leaking containers that are in good condition;

6. Packs removed mercury switches in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

7. Keeps records, on paper or electronically, of the removal of mercury switches from vehicles and household appliances for at least three years from the date of removal, which shall include, at a minimum, the following information:

a. The total number of vehicles crushed, baled, sheared, or shredded;

b. The total number of appliances destined for shredding;

c. The total number of vehicles or appliances destined for crushing, baling, shearing, or shredding that were determined to contain one or more mercury switches;

d. The number of mercury switches removed from these vehicles and appliances; and

e. The number of motor vehicles from which mercury switches could not be removed due to accidental damage to the vehicle.

(B) On or after January 1, 2005, a small quantity universal waste handler who intends to crush, bale, shear, or shred a motor vehicle that contains mercury light switches, shall, prior to crushing, baling, shearing, or shredding the vehicle, remove all mercury-containing motor vehicle light switches (except switches that cannot be removed due to accidental damage to the vehicle) or ensure that all mercury-containing motor vehicle light switches have already been removed.

(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks from a mercury switch or thermometer; and/or

2. Other wastes generated as a result of the handling of universal waste mercury switches and/or thermometers.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(f) Universal Waste Dental Amalgam. A small quantity handler of universal waste shall manage universal waste dental amalgam in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall place amalgam scraps, amalgam fines, single-use amalgam traps and filters, and extracted teeth with amalgam restorations in airtight containers. The containers shall be kept closed, except when universal waste dental amalgam is being added.

(2) A small quantity handler of universal waste shall not rinse amalgam traps or filters into a sink.

(3) A small quantity handler of universal waste shall not place universal waste dental amalgam into medical waste containers.

(g) Universal Waste Gauges. A small quantity handler of universal waste shall manage universal waste gauges in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1)(A) All openings through which mercury could escape shall be securely closed with appropriately sized stoppers or other closures that are compatible with the contents of the device.

(B) Each universal waste gauge shall be sealed in a plastic bag. Plastic bags containing universal waste gauges shall be placed into a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the gauge. The container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. The container shall contain packing materials adequate to prevent breakage during storage, handling, and transportation.

(C) A mercury clean-up system shall be readily available to immediately transfer any mercury resulting from spills or leaks from universal waste gauges to an airtight container that meets the requirements of paragraph (2) of this subsection;

(D) Universal waste gauges shall be kept upright at all times during handling, accumulation, and transportation.

(2) A small quantity handler of universal waste may drain elemental mercury from pressure or vacuum gauges generated by that handler, at the site where the gauges were generated, provided the handler:

(A) Ensures that the universal waste pressure or vacuum gauges are drained over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from a device in case of breakage or spill);

(B) Ensures that the draining operations are performed safely by developing and implementing a written procedure detailing how to safely drain the universal waste pressure or vacuum gauges. This procedure shall include: the type of equipment to be used to drain the universal waste pressure or vacuum gauges safely, operation and maintenance of the equipment, appropriate personal protective equipment, segregation of incompatible wastes, proper waste management practices, spill response procedures, and waste characterization;

(C) Ensures that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste pressure or vacuum gauge that may occur during the mercury draining operation;

(D) Immediately transfers the drained elemental mercury to a container. The container shall be closed,

structurally sound, compatible with elemental mercury, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(E) Ensures that employees are thoroughly familiar with the procedure for draining universal waste pressure or vacuum gauges, and proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(F) Stores the drained elemental mercury in a closed, non-leaking container that is in good condition and meets the requirements of subparagraph (D);

(G) Ensures that any container into which mercury from a universal waste pressure or vacuum gauge is drained or in which drained mercury is stored is placed into a secondary container that is in good condition, compatible with mercury, and large enough to accommodate the contents of the primary container if it should leak or break;

(H) Maintains documentation of the date of accumulation, a description of the pressure or vacuum gauges drained, and the amount of mercury drained; and

(I) Accumulates no more than 35 kilograms of elemental mercury at any one time.

(3)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Whole or partial universal waste gauges from which mercury has been drained;
2. Mercury or clean-up residues resulting from spills or leaks;
3. Other wastes generated as a result of the handling of universal waste gauges.

(B) If a whole or partial universal waste gauge from which mercury has been drained exhibits a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of this chapter.

(C) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(D) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(h) Universal Waste Novelties. A small quantity handler of universal waste shall manage universal waste novelties in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Universal waste novelties whose only mercury is contained in a button cell or other mercury-containing battery shall be managed in accordance with the requirements for universal waste batteries, pursuant to subsection (a) of this section.

(A) If they are removable, a small quantity handler of universal waste may remove mercury-containing batteries from a universal waste novelty.

(B) If, after removal of all mercury-containing batteries, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.

(C) Batteries removed from universal waste novelties may be managed as universal waste batteries, pursuant to subsection (a) of this section.

(2) Universal waste novelties that are painted with mercury-containing paint shall be accumulated in an airtight container. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) Universal waste novelties that contain liquid mercury shall be managed as follows:

(A) Universal waste novelties that contain liquid mercury shall be packed in an airtight container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the novelty, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(B) A mercury clean-up system shall be readily available; and

(C) Any universal waste novelty containing liquid mercury that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions shall be placed in an airtight container. The container shall meet the requirements of subparagraph (A) of this paragraph.

(4) Universal waste novelties whose only mercury is contained in a mercury switch or switches shall be managed in accordance with the requirements for universal waste switches and thermometers, pursuant to subsection (d) of this section.

(A) If they are removable, a small quantity handler of universal waste may remove mercury switches from a universal waste novelty.

(B) If, after removal of all mercury switches, a universal waste novelty contains no other mercury and does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11; the novelty may be managed as non-hazardous waste.

(C) Switches removed from universal waste novelties may be managed as universal waste switches and thermometers, pursuant to subsection (d) of this section.

(5)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or
2. Other wastes generated as a result of the handling of novelties that contain liquid mercury.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(i) Universal Waste Counterweights and Dampers. A small quantity handler of universal waste shall manage universal waste counterweights and dampers in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Prior to shipping universal waste counterweights and dampers to a recycler, a small quantity handler of universal waste shall pack universal waste counterweights and dampers in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste shall place any universal waste counterweight or damper that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the counterweight or damper, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily available;

(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or
2. Other wastes generated as a result of the handling of universal waste counterweights and dampers.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(j) Universal Waste Dilators and Weighted Tubing. A small quantity handler of universal waste shall manage universal waste dilators and weighted tubing in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) Prior to shipping universal waste dilators and weighted tubing, a small quantity handler of universal waste shall pack universal waste dilators and weighted tubing in a container, with packing materials adequate to prevent breakage during storage, handling, and transportation. The container shall be closed, structurally sound, compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste shall place any universal waste dilators and weighted tubing that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions into a sealed plastic bag in an airtight container. The container shall be closed, structurally sound, compatible with the contents of the dilators and weighted tubing, and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily available.

(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and/or
2. Other wastes generated as a result of the handling of universal waste dilators and weighted tubing.

(B) If the mercury, residues, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

(k) Universal Waste Rubber Flooring. A small quantity handler of universal waste shall manage universal waste rubber flooring in a way that prevents releases of any universal waste or component of a universal waste to the environment.

(l) Universal Waste Gas Flow Regulators. A small quantity handler of universal waste shall manage universal waste gas flow regulators in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall ensure that universal waste gas flow regulators are kept upright at all times during accumulation and transportation.

(2) A small quantity handler of universal waste shall place each regulator into an airtight container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of the regulator. The container or package shall remain closed and shall lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(3) A small quantity handler of universal waste shall ensure that a mercury clean-up system is readily

available to immediately transfer any mercury resulting from spills or leaks from universal waste gas flow regulators to an airtight container that meets the requirements of paragraph (2) of this subsection.

(4)(A) A small quantity handler of universal waste shall determine whether the following exhibit a characteristic of hazardous waste identified in article 3 of chapter 11:

1. Mercury or clean-up residues resulting from spills or leaks; and
2. Other wastes generated as a result of the handling of universal waste gas flow regulators.

(B) If the mercury or clean-up residues resulting from spills or leaks, and/or other wastes exhibit a characteristic of hazardous waste, the wastes shall be managed in compliance with all applicable requirements of this division. The handler is considered the generator of the mercury, residues, and/or other wastes and shall manage them pursuant to chapter 12.

(C) If the mercury, residues, and/or other wastes are not hazardous, the handler may manage the wastes in any way that complies with all applicable federal, state or local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1, 25219.2 and 58012, Health and Safety Code; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.13.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment of subsection (b)(3)(B), new subsections (d)—(d)(3) and amendment of NOTE filed 2—3—2003; operative 2—3—2003 (Register 2003, No. 6).
9. New subsections (c)(3) and (e)—(f)(4)(C) and amendment of NOTE filed 2—13—2003; operative 3—15—2003 (Register 2003, No. 7).
10. Amendment of section and Note filed 6—7—2004 as an emergency; operative 6—7—2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6—7—2006 or emergency language will be repealed by operation of law on the following day.

§66273.14. Labeling/Marking.

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Battery(ies), or "Waste Battery(ies)," or "Used Battery(ies);"

(b) Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste--Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)".

(c) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste--Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(d) Each universal waste electronic device or container or pallet in or on which universal waste electronic devices are contained, including containers or pallets that also contain devices that are not waste, shall be labeled or marked clearly with one of the following phrases: "Universal Waste—Electronic Device(s)" or "UW—Electronic Device(s)."

(1) In lieu of labeling individual universal waste electronic devices or containers or pallets, a small quantity handler may accumulate universal waste electronic devices within a designated area demarcated by boundaries that are clearly labeled with one of the following phrases: "Universal Waste Electronic Device(s)" or "UW Electronic Device(s)."

(e) Universal waste mercury switches and thermometers or a container in which the switches are contained, shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Mercury Switch(es)," or

"Waste Mercury Switch(es)," or "Used Mercury Switch(es);"

(f) Dental amalgam. A container in which universal waste dental amalgam is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Dental Amalgam," or "Waste Dental Amalgam" or "Scrap Dental Amalgam;"

(g) Pressure or vacuum gauges.

(1) A container in which universal waste gauges are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Gauge(s)," or "Waste Mercury Gauge(s)" or "Used Mercury Gauge(s);"

(2) A container in which mercury drained from one or more universal waste pressure or vacuum gauges is contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Drained Mercury," or "Universal Waste—Mercury from Gauges;"

(h) Universal waste novelties or a container in which the novelties are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Novelty(ies)," or "Waste Mercury Novelty(ies)" or "Used Mercury Novelty(ies);"

(i) Universal waste counterweights and dampers, a product that contains one or more counterweights and/or dampers, or a container in which the counterweights and/or dampers are contained, shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Counterweight(s)," or "Universal Waste—Damper(s);" "Waste Mercury Counterweight(s)" or "Waste Mercury Damper(s);" "Used Mercury Counterweight(s)," or "Used Mercury Damper(s);"

(j) Universal waste dilators and weighted tubing or a container in which the dilators and weighted tubing are contained shall be labeled or marked clearly with any one of the following phrases, as appropriate: "Universal Waste—Dilator(s)," "Waste Mercury Dilator(s)" "Used Mercury Dilator(s)," "Universal Waste—Mercury-Weighted Tubing," "Waste Mercury-Weighted Tubing," or "Used Mercury-Weighted Tubing."

(k) Universal waste rubber flooring or a container in which the flooring is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Rubber Flooring," or "Waste Mercury-Containing Flooring" or "Used Mercury-Containing Flooring."

(l) Gas flow regulators. A waste gas meter that contains a mercury gas flow regulator or a container in which a universal waste gas flow regulator is contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste—Gas Flow Regulator," or "Waste Mercury Gas Flow Regulator" or "Used Mercury Gas Flow Regulator."

NOTE: Authority cited: Sections 25141, 25150, 25201, 25214.6, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.14.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. New subsection (d) and amendment of NOTE filed 2—3—2003; operative 2—3—2003 (Register 2003, No. 6).
9. New subsections (e)-(l) and amendment of NOTE filed 2—13—2003; operative 3—15—2003 (Register 2003, No. 7).
10. Amendment of section and Note filed 6—7—2004 as an emergency; operative 6—7—2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6—7—2006 or emergency language will be repealed by operation of law on the following day.

§66273.15. Accumulation Time Limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) of this section are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.15.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.16. Employee Training.

A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.16.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of

Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.17. Response to Releases.

(a) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with chapter 12.

(c) Waste consisting only of residues of leaking, broken, or otherwise damaged universal waste may be managed as universal waste provided that the leaking, broken, or otherwise damaged universal waste is repackaged according to the standards of section 66273.13.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.17.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order, including new subsection (c), transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.18. Off-site Shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of article 4 of this chapter while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

(1) Receive the waste back when notified that the shipment has been rejected, or

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

(1) Send the shipment back to the originating handler, or

(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.18.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

§66273.19. Tracking Universal Waste Shipments.

(a) Receipt of shipments. A small quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received shall include the following information:

- (1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;
- (2) The quantity of each type of universal waste received (e.g., batteries, thermostats, lamps, mercury switches, etc.);
- (3) The date of receipt of the shipment of universal waste.

(b) Shipments off-site. A small quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

- (1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;
- (2) The quantity of each type of universal waste sent (e.g., batteries, thermostats, lamps, mercury switches, etc.);
- (3) The date the shipment of universal waste left the facility.

(c) Record retention.

(1) A small quantity handler of universal waste shall retain the records described in subsection (a) of this section for at least three years from the date of receipt of a shipment of universal waste;

(2) A small quantity handler of universal waste shall retain the records described in subsection (b) of this section for at least three years from the date a shipment of universal waste left the facility.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.19.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order, including amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Repealer and new section and amendment of NOTE filed 2—13—2003; operative 3—15—2003 (Register 2003, No. 7).

§66273.20. Exports.

A small quantity handler of universal waste who sends universal waste, not including universal waste electronic devices, to a foreign destination other than to those OECD countries specified in section 66262.58(a)(1) (in which case the handler is subject to the requirements of article 8 of chapter 12) shall:

- (a) Comply with the requirements applicable to a primary exporter in section 66262.53, 66262.56(a) (1) through (4), (6), and (b) and 66262.57;
- (b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in article 5 of chapter 12; and
- (c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.
- (d) A small quantity handler of universal waste who sends universal waste electronic devices to any foreign destination shall notify the Department and concurrently send a copy of that notification to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of Health and Safety Code section 25404.3, of an intended export before such universal waste electronic device is scheduled to leave the United States. A completed notification shall be submitted four weeks before the initial shipment is intended to be shipped offsite. This notification shall cover export activities extending over a twelve (12) month or lesser period.
- (e) The notification submitted pursuant to subsection (d) of this section shall be in writing, signed by the universal waste handler, and include the following information:
 - (1) name, mailing address, and telephone number of the universal waste handler;
 - (2) the foreign destination, for each type of consumer electronic device:
 - (A) the amount of universal waste electronic devices (by count or by weight);
 - (B) the estimated frequency or rate at which the universal waste electronic device is to be exported and the period of time over which the universal waste electronic device is to be exported;
 - (C) all points of entry to and departure from each foreign country through which the universal waste electronic device will pass;
 - (D) a description of the means by which each shipment of universal waste electronic devices will be recycled at the foreign destination; and
 - (E) the name and site address of the consignee or any alternate consignee.
 - (f) Notifications submitted under subsection (d) of this section shall be sent to the following address by certified mail, return receipt requested: Department of Toxic Substances Control, Hazardous Waste Management Program, Regulatory and Program Development Division, P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export Universal Waste Electronic Devices" prominently displayed on the front of the envelope.
 - (g) A person who exports covered electronic wastes shall also comply with the applicable export requirements of Public Resources Code, division 30, part 3, chapter 8.5.

NOTE: Authority cited: Sections 25141, 25150, 25150.2, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475.1 and 42475.2, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; Section 42476.5, Public Resources Code and 40 CFR Section 273.20.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Amendment of first paragraph, new subsections (d)—(f) and amendment of NOTE filed 2—3—2003; operative 2—3—2003 (Register 2003, No. 6).

9. Amendment of section and Note filed 6—7—2004 as an emergency; operative 6—7—2004 (Register 204, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6—7—2006 or emergency language will be repealed by operation of law on the following day.

§66273.21. Accumulation of Mercury-Containing Universal Wastes Received from Other Universal Waste Handlers.

(a) A small quantity handler of universal waste may accumulate the following universal wastes received from other handlers only at a location where accumulation of universal waste is consistent with local land use zoning or land use patterns:

- (1) Mercury-containing motor vehicle switches (including, but not limited to M001 Wastes), and motor vehicles that contain such switches (M001 Wastes), as described in section 66273.7.1;
- (2) Non-automotive mercury switches and products that contain such switches (including, but not limited to, M002 Wastes), as described in section 66273.7.2;
- (3) Dental amalgam wastes, as described in section 66273.7.3;
- (4) Pressure or vacuum gauges, as described in section 66273.7.4;
- (5) Mercury-added novelties (including, but not limited to, M004 Wastes), as described in section 66273.7.5;
- (6) Mercury counterweights and dampers, as described in section 66273.7.6;
- (7) Mercury thermometers, as described in section 66273.7.7;
- (8) Mercury dilators and weighted tubing, as described in section 66273.7.8;
- (9) Mercury containing rubber flooring, as described in section 66273.7.9; and
- (10) Mercury gas flow regulators, as described in section 66273.10.

(b) A small quantity handler of universal waste who accumulates any of the universal wastes listed in subsection (a) received from other handlers shall:

- (1) Comply with all applicable requirements for handlers of hazardous materials;
- (2) Disclose that mercury is being handled in all applicable business and use permitting applications;
- (3) Comply with the location standards in section 66265.18;
- (4) Comply with the seismic precipitation design standards in section 66265.25;
- (5) Accumulate universal wastes listed in subsection (a) only in areas that are zoned for commercial or industrial uses; and
- (6) Accumulate universal wastes listed in subsection (a) in a location that does not pose site specific land use hazards or contain sensitive habitat area, based on a review of state and local planning documents and constraints mapping.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25219.1, 25219.2 and 58012, Health and Safety Code.
Reference: Sections 25141, 25150, 25159.5, 25212, 25214.6, 25219, 25219.1 and 25219.2, Health and Safety Code.

HISTORY

1. New section filed 2—13—2003; operative 3—15—2003 (Register 2003, No. 7).